

REMARKS

Summary

Claims 1-2 and 4-34 were pending. Claims 6 and 23-26 have been cancelled and Claims 1-2, 4-5, 7-9, 14-15, 18, 21-22, 27-29, and 33-34 amended. No new matter has been added. Claims 1-2, 4-5, 7-22, and 27-34 are pending.

Interview Summary

Applicants thank the Examiner for the telephone conversation regarding the rejection under 35 USC § 112, as well as the disparity in the rejection of Claims 21-23. During the interview, the Examiner indicated that Claims 21-23 would be allowable if rewritten to overcome the rejections under 35 USC § 112, second paragraph, and that the rejection under 35 U.S.C. § 103(a) was in error.

Rejections under 35 USC § 112

Claims 1-2, 4-9, 14, 21-29, and 33 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have rewritten the claims and submit that the claims overcome the rejection.

As the Examiner indicated that pending Claims 1-2, 4-5, 7-14, 21-22, and 27-33 would be allowable if rewritten to overcome the rejections under 35 USC § 112, second paragraph, Applicants respectfully submit that Claims 1-2, 4-5, 7-14, 21-22, and 27-33 are in condition for allowance,

Rejections under 35 USC § 103

Claims 15-20 and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Pugh, III (US 4,046,454; "Pugh") or Miller (US 3,864,018; "Miller") in view of Li et al. (US 6,377,732; "Li").

Applicants have rewritten Claim 15 to recite that the functional multilayer film comprises fine metallic bodies and metal-arranged thin films. The fine metallic bodies are made of a different material from one another in at least one of the metal-arranged thin films. None of the cited references anticipate or suggest such an

arrangement. For at least this reason, Claim 15 is patentable over the cited references.

Similarly, Applicants have rewritten Claim 34 to recite that each of the fine metallic bodies is formed in an elliptical shape and that the fine metallic bodies in at least one metal-arranged thin film are made of a different material from the fine metallic bodies in at least one other metal-arranged thin film. None of the cited references anticipate or suggest such an arrangement. For at least this reason, Claim 34 is patentable over the cited references.

Summary

Applicants respectfully submit that the pending claims are in condition for allowance, in view of the remarks above and the amendments to the claims. The Examiner is respectfully requested to contact the undersigned in the event that a telephone interview would expedite consideration of the application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'APC', is written over a horizontal line.

Anthony P. Curtis, Ph.D.
Registration No. 46,193
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200